Briefly, the present invention relates to methods for the recombinant production of a soluble recombinant protein having the characteristics of TBP-I, as well as to proteins other than TBP-I, but which have the characteristics of human TBP-I, which are secreted into the medium after culturing the cells transfected with the entire TNF receptor.

Claims 1, 2, and 6-8 have been rejected under 35 USC 102(a) as being anticipated by Loetscher et al. or Schall et al, as discussed in the previous office action. This rejection is respectfully traversed.

Both Loetscher and Schall teach only the expression of the entire TNF receptor. The expression of the receptor onto the cell surface is then measured by showing binding of TNF to the cell surface. Neither Loetscher or Schall recognize that when the entire TNF receptor is expressed in a eukaryotic cell, a soluble protein having the characteristics of TBP-I is secreted into the medium. Claim 1 has now been amended to require that the whole human type I TNF receptor be transfected into the eukaryotic cells, and that the desired protein be recovered from the medium. This final step is certainly not anticipated, nor is it suggested by any reading of Loetscher or Schall.

Insofar as claim 8 is concerned, claim 8 has now been amended to specify that the protein is not TBP-I. The present specification, at page 8, lines 5-14, indicates that a mixture of different lengths of protein is secreted into the medium, only one

of which is TBP-I. Claim 8 now only reads on the novel proteins other than TBP-I. Accordingly, claim 8 cannot be anticipated or made obvious by any of the references of record.

Claims 3 and 4 have been rejected under 35 USC 103 as being unpatentable over Loetscher or Schall in view of Sambrook, as discussed in the previous office action, and claims 5 and 9 have been rejected under 35 USC 103 as being unpatentable over Loetscher or Schall, also for previously discussed reasons. These rejections are respectfully traversed.

Insofar as those claims are dependent from claims 1 or 8, they are patentable for the same reasons as discussed above with respect to claims 1 and 8. Accordingly, claims 3, 4, 5 and 9 cannot be anticipated or made obvious by any of the references of record. Reconsideration and withdrawal of these rejections are respectfully urged.

The above arguments assume that Loetscher and Schall are available as references and are made without prejudice to any argument which may be made in the future as to why applicant's are entitled to an earlier effective filing date for these claims.

New claim 10 has now been added, drawn to the recombinant expression of TBP-I. Neither Loetscher nor Schall disclose the expression of TBP-I. Accordingly, these references do not anticipate new claim 10, and the examiner has not presented any reasons why claim 10 would be obvious therefrom. Furthermore, claim 10 is fully supported by applicant's priority application of

December 13, 1989, thus eliminating Loetscher and Schall as references. Accordingly, reconsideration and withdrawal of any rejection of claim 10 is also respectfully urged.

It is submitted that all of claims 1-6 and 8-10 presently appearing in this case clearly define over the references of record. Reconsideration and allowance are therefore earnestly solicited.

Respectfully submitted,

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